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16 **IN THE UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**

18
19 KATHLEEN IMMEDIATO,

20 Plaintiff,

21 vs.

22 UNITED STATES OF AMERICA,

23 Defendant.

24
25 **No. CV-07-03008 MMC**

26 **STIPULATION AND JOINT MOTION
TO EXTEND DEADLINES;
[PROPOSED] ORDER**

27
28 In accordance with Local Rule 6-2, Plaintiff Kathleen Immediato (“Plaintiff”) and Defendant
the United States of America (“Defendant”) hereby stipulate and jointly move this Court for a brief
extension of the expert disclosure deadline. This request will cause **no** change to trial date or pretrial
conference date previously set for this case.

1 As grounds for this motion the parties state the following:

2 1. This is a claim for Professional Negligence, Wrongful Death, Survival and Elder Abuse related
3 to Decedent Ralph Immediato's care at the Martinez Outpatient Clinic and Center for Rehabilitation
4 and Extended Care ("CREC").

5 2. Fact discovery was completed on May 1, 2008 in accordance with the Court's previous ruling.

6 3. The Parties participated in court ordered mediation on March 31, 2008, before John Barg.

7 While the case did not resolve at that time, the parties made significant progress towards a potential
8 settlement of this matter.

9 4. On May 5, 2008, the parties jointly moved that this Court assign this case to a settlement
10 conference before a Magistrate Judge and extend expert discovery deadlines and the trial date of this
11 matter.

12 5. On May 8, 2008, this Court granted the parties motion, setting this matter before Magistrate
13 Chen for settlement conference and ordering that all dates, beginning with the disclosure of Plaintiff's
14 experts, be set one month after the settlement conference.

15 6. The parties scheduled a settlement conference with Judge Chen to take place on July 24, 2008.

16 7. On July 21, 2008, Defendant's counsel first learned that one of its counsel necessary for the
17 settlement of this matter would be unavailable for settlement conference on July 24, 2008.

18 Defendant's counsel then informed Plaintiff's counsel.

19 8. After consulting with Magistrate Chen's clerk, the parties filed a stipulation rescheduling the
20 settlement conference.

21 9. On July 24, 2008, Magistrate Chen signed an Order rescheduling the settlement conference in
22 this matter to August 25, 2008.

23 10. Plaintiff is currently required to disclose experts on August 8, 2008. Defendant is required to
24 designate rebuttal experts on August 29, 2008. Expert discovery is set to close October 3, 2008.

25 11. In preparation for her expert disclosure, Plaintiff will incur substantial costs.

26 12. Given the relative value of this case, both parties agree that once the Plaintiff incurs these
27 expenses, a settlement of this matter is highly unlikely.

13. Both parties feel that as this case presently stands there is a high probability that it will settle
 2 during the settlement conference currently scheduled before Magistrate Chen.

3 14. The parties ask that the Court grant the parties a brief extension to the deadlines for disclosure
 4 of experts and the expert discovery cut-off.

5 15. This extension will cause no change to the deadline for filing dispositive motions, the further
 6 status conference, the pretrial conference, or the trial date. This is the third request for an extension in
 7 this case.

8 Therefore, the parties request that the Court change the dates for expert disclosure and expert
 9 discovery cut-off as follows:

- 10 • Expert Disclosure For Both Parties: September 22, 2008
- 11 • Expert Discovery Cut-Off: October 20, 2008

12 This extension will allow the parties to continue to attempt settlement of this matter, without
 13 Plaintiff incurring substantial costs which will make settlement less likely. Additionally, there will be
 14 no change to the trial date.

15 Accordingly, the parties respectfully request that the Court grant their Stipulation and Joint
 16 Motion to Extend Deadlines.

17 Dated: July 29, 2008

ADAMS | NYE | TRAPANI | BECHT LLP

18 /s/

19 By: _____

20 MICHAEL SACHS
 21 Attorneys for Plaintiff
 22 KATHLEEN IMMEDIATO

23 Dated: July 29, 2008

JOSEPH P. RUSSONIELLO
 24 United States Attorney

25 /s/

26 By: _____

27 ELLEN M. FITZGERALD
 28 Assistant United States Attorney
 Attorneys for Defendant

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July _____, 2008

THE HONORABLE Maxine M. Chesney
United States District Judge